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Opinion No. 55-245

REQUESTED BY: Division of Vocational Rehabilitation

OPINION BY: ROBERT MORRISON, The Attorney General
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Attorney General

QUESTION: Under the Federal and State law, does the Division of Vocational Rehabilitation have jurisdiction to finance an Evaluation Unit and Homebound Program for the Severely Disabled in connection with Homecrafters, Inc., at Tucson?

CONCLUSION: Yes.

Section 54-801, ACA, 1939, reads as follows:

"54-801. Vocational training -- Act of congress accepted -- Continuing appropriation. -- The state hereby assents to the provisions and accepts the benefits of an act of congress entitled: 'An act to provide for the promotion of vocational education, etc.', approved February 23, 1917, and will observe and comply with all the requirements of said act, and amendments thereto. The state board of education is designated as the state board for the purposes of the said act and has full power to cooperate with the federal board of vocational education in the administration of its provisions. The state treasurer is designated as custodian for vocational education for the purposes of the said act, and shall receive and provide for the proper custody and disbursement of money paid to the state from the appropriations of said act. There is appropriated out of the general fund of the state, sufficient money to meet the requirements of said act; said sum not to be less than fifteen thousand dollars (\$15,000) annually."

Section 56-504, ACA, 1939, as amended, 1952 Cum. Supp., reads as follows:

"56-504. Division of vocational rehabilitation. -- The state board of vocational education shall maintain a division of vocational rehabilitation, which shall provide vocational rehabilitation service to disabled persons deemed eligible therefor as provided in this act."

Section 56-505, ACA, 1939, as amended, 1952 Cum. Supp., provides, in part, as follows:

"56-505. Duties of division. -- The division of vocational rehabilitation, under the general supervision of the state board of vocational education, shall cooperate in carrying out the purposes of federal statutes pertaining to vocational rehabilitation. The division may adopt such methods of administration as are found by the federal government to be necessary for the proper and efficient operation of agreements relating to vocational rehabilitation, and shall comply with such conditions as may be deemed necessary to secure the full benefits of such federal statutes. * * * "

From the aforementioned statutes, it is evident that the Division of Vocational Rehabilitation was established by the Legislature for the primary function of carrying out the intent of the Federal Government to provide a training service to aid disabled persons to earn a livelihood.

Public Law 565, 83rd Congress, Section 4, 1954 amendment to the Vocational Rehabilitation Act, reads as follows:

"GRANTS FOR SPECIAL PROJECTS

"Sec. 4. (a) From the sums available therefor for any fiscal year, the Secretary shall make grants to States and public and other non-profit organizations and agencies (1) for paying part of the cost of projects for research, demonstrations, training, and traineeships, and projects for the establishment of special facilities and services, which, in the judgment of the Secretary, hold promise of making a substantial contribution to the solution of vocational rehabilitation problems

common to all or several States, and (2) for planning, preparing for, and initiating, during the fiscal year ending June 30, 1955, and the fiscal year ending June 30, 1956, a substantial nationwide expansion of vocational rehabilitation programs in the States. * * *

Pursuant to the 1954 amendment to the United States Vocational Rehabilitation Act above quoted, and the regulations promulgated thereunder, a grant was authorized to the State of Arizona, State Board of Vocational Education, "To finance an Evaluation Unit and Homebound Program for the Severely Disabled in connection with Homecrafters, Inc., at Tucson." Sec. 4(a) (2).

Subdivision 48, Chapter 139, House Bill No. 265, relating to appropriations for the different departments of the state for state institutions and public schools, approved April 13, 1955, makes a lump sum appropriation for Vocational Rehabilitation and contains the following statement:

"This appropriation is made to enable the state to cooperate with the Federal Government in carrying out the provisions of an Act of Congress approved June 20, 1920, and subsequent amendments providing for Vocational Rehabilitation."

It is, accordingly, the opinion of the Department of Law that the Division of Vocational Rehabilitation does have jurisdiction to finance an Evaluation Unit and Homebound Program for the Severely Disabled in connection with Homecrafters, Inc., at Tucson, as such a program comes specifically within the powers granted by the Federal statutes and the authority contained in the above-quoted statutes of the State of Arizona.

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